

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No. 13-11432

District Judge Gershwin A. Drain

Magistrate Judge R. Steven Whalen

JOHN DOE SUBSCRIBER ASSIGNED
IP ADDRESS 69.244.145.197,

Defendant.

AMENDED NOTICE OF SETTLEMENT CONFERENCE

TAKE NOTICE that the above-entitled matter has been rescheduled for settlement proceedings on **THURSDAY, SEPTEMBER 11, 2014 at 1:30 P.M.**, before Magistrate Judge R. Steven Whalen, at 673 Theodore Levin Courthouse, 231 W. Lafayette, Detroit, MI 48226. **All parties with settlement authority are required to be present.**

The parties shall adhere to the following procedures:

At least fourteen (14) days prior to the settlement conference, counsel for the parties shall meet and confer in a good-faith attempt to settle the case or to narrow the areas of disagreement. They shall exchange good-faith and *realistic* offers to settle, and shall explain to each other why their demand or offer is reasonable. If a demand or offer is rejected, the attorney who rejects shall explain to opposing counsel the reasons for the rejection.

Seven (7) days before the settlement conference, the parties shall submit confidential, ex-parte settlement statements directly to the chambers of the Honorable R. Steven Whalen, United States Magistrate Judge. **DO NOT FILE THESE STATEMENTS WITH THE COURT.** The statements shall be limited to ten (10) pages, and shall include the following:

- A short summary of the pre-conference meet-and-confer, including the last demand and offer made;
- A statement of why that demand or offer was rejected;
- A realistic statement of what the party requires in order to settle this case.

While the settlement statement may include a summary of the facts, claims and defenses, it is not a summary judgment motion, and counsel should be mindful that the Magistrate Judge who is facilitating settlement is not trying the case or deciding dispositive motions at this point.

At the settlement conference, the parties and their attorneys are expected to conduct themselves in a business-like manner and to negotiate in good faith. Posturing and other theatrics are prohibited.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 9, 2014

CERTIFICATE OF SERVICE

I hereby certify on June 9, 2014, I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on June 9, 2014: **None.**

s/Terri L. Hackman
Judicial Assistant to
Magistrate Judge R. Steven Whalen